

April 24, 2011

Walter Smith, III
105 Raven Ridge Drive
Goldsboro, NC 27530

Clerk's Office
United States District Court
P.O. Box 25670
Eastern District of North Carolina
Raleigh, North Carolina 27611

FILED

APR 28 2011

DENNIS P. IAMPORNE, CLERK
US DISTRICT COURT, EDMC
BY  DEP CLK

Re: File No. 1096/1; Choice Hotels International, Inc. vs. Smith Hotel Properties, LLC et al.; **Civil Action No. 5:09-CV-285-BO**

Dear Mr. Ladenheim

In the Motion for Reconsideration, I feel this motion should be denied in its entirety. Mr. Ladenheim has not yet proved his case on fact.

I was not working at the hotel when the franchise was terminated on **(February 2008)**. I did not sign for or receive any certified mail from Choice Hotels International. The receivership company was in possession of the property at this time. Mr. Ladenheim is fully aware of this.


This Civil Action against me needs to be thrown out. I can prove to the court I was not in possession of the property when this took place. I have seen all the proof. All dates mentioned I can prove I was not the owner of the property.

Mr. Ladenheim, determination in the liquidated damages claim is also incorrect. Before I bought the property, I managed it for (5) years. I know the history and have all franchise fee check copies that I paid to Choice Hotels International. I proved in Bankruptcy Court that Choice Hotels International was only giving us 12-15% of our room revenue. So having said this Mr. Ladenheim calculations for rentable rooms are way off. Rentable room cannot be based on a daily room number count. Rentable Room revenue comes when the demand is present. Hospitality business is a seasonal business. There are several months in this business when room demand is not warrant. Any Hotelier can tell you this. I know the hospitality business. I work for a Choice Hotel branded hotel now. Choice is only sending us 15-20% business each month. If it was not for our sales team we would go bankrupt! My owner is furious with Choice Hotels lack of concern for its franchise holders. He is currently shopping around for another Franchise.

I pray to the court they see and understand were I'm coming from in this matter and dismiss this whole matter as it is a waste of the Court's valuable time to be dealing with a matter that has nothing to do with me. This Hotel went under receivership on January 28, 2008. All have all documentation to prove I was not in possession of the hotel at the time and dates Mr. Ladenheim, claims.

Thank for your most valuable time in this matter.

Sincerely,



Walter Smith, III

Cc: Files/WS3